

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
v.
KOBIM BEN

Case No. 6:24-po-00085-HBK

ORDER GRANTING MOTION TO QUASH
ARREST WARRANT, DENYING AS MOOT
REQUEST FOR REMOTE APPEARANCE
AND RESETTING INITIAL APPEARANCE
FOR MAY 16, 2025 at 10:00 A.M. IN
FRESNO, COURTROOM 2

(Doc. Nos. 7, 9)

On March 25, 2024, Defendant's initial appearance on his mandatory appearance for Violation No. 09910435¹ was held. (Doc. Nos. 1-2). Due to Defendant's nonappearance, the Court issued a bench warrant. (Doc. No. 3). On September 25, 2024, counsel entered an appearance for Defendant. (Doc. No. 6). On October 18, 2024, counsel file a motion to quash the arrest warrant and place matter back on calendar and set the matter for hearing on November 15, 2024. (Doc. No. 7). The Court placed the matter back on the calendar and reset the hearing on the motion to quash to December 10, 2024 at 1:00 p.m. (Doc. No. 8). On December 10, 2024, counsel filed a motion to appear remotely for the hearing to be held that same day. (Doc. No. 9). Due to the belated filing, the Court did not have notice of the motion for remote appearance until

¹ Defendant was charged for an alleged violation of 36 C.F.R. § 2.13(a)(1), having a fire in an undesignated area.

1 after the court retired from the bench for the day.

2 A review of the docket indicates that the notice sent to Defendant's address of record for
3 his initial appearance was returned to the Central Violation Bureau as "undeliverable" due to a
4 "wrong address." (Doc. No. 1-3). Thus, the Court will grant the motion to quash and recall the
5 bench warrant and reset Defendant's initial appearance on Violation No. 09910435 before the
6 Court.

7 Accordingly, it is **ORDERED**:

- 8 1. Defendant's motion to quash the arrest warrant and place matter back on calendar is
9 (Doc. No. 7) GRANTED as set forth herein.
- 10 2. The Court recalls the bench warrant (Doc. No. 4) for Defendant's failure to appear at
11 his March 25, 2024 initial appearance.
- 12 3. **The Court resets Defendant's initial appearance to Friday, May 16, 2025 at 10:00
13 a.m. in Courtroom 2, Fresno Courthouse.**
- 14 4. Defendant's motion for counsel to appear remotely (Doc. No. 9) is denied as MOOT.

15
16 Dated: April 25, 2025


17 HELENA M. BARCH-KUCHTA
18 UNITED STATES MAGISTRATE JUDGE

19
20
21
22
23
24
25
26
27
28